

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
IN RE: Acetaminophen - ASD-ADHD : 22md3043 (DLC)
Products Liability Litigation : 22mc3043 (DLC)
----- X ORDER: NEGOTIATION
OF COORDINATION
ORDER

DENISE COTE, District Judge:

On December 16, 2022, the plaintiffs and defendants each submitted proposed orders to govern the coordination of discovery in this MDL and any related lawsuits that may be filed in state court. This Order sets out principles that should govern the parties' negotiation of a single coordination order. To the extent any party disagrees with these principles, they will be given an opportunity to be heard at the telephone conference scheduled for January 6, 2023. It is hereby ORDERED that the parties shall use the defendants' proposed order as the starting point for their negotiations.

IT IS FURTHER ORDERED that the following principles shall apply as the parties negotiate revisions to the defendants' proposed order.

1. The Order shall apply to this MDL and to each state action in which the judicial officer presiding over such state court litigation agrees to the entry of the coordination order in her/his action.
2. No discovery produced or developed in this MDL shall be provided to counsel in state court

litigation unless the state court judge has agreed to the coordination and the state court parties have executed the confidentiality order which will be entered in the MDL.

3. Discovery in any state court litigation shall not delay or interfere with discovery in the MDL.
4. Discovery in any state court litigation shall be coordinated so that it is not more expedited than the fact and expert discovery to be scheduled in the MDL.
5. Discovery shall be coordinated so that any discovery taken in the state court action is non-duplicative of discovery taken in the MDL.
6. Parties in any state court litigation may serve non-duplicative supplemental documents requests, interrogatories, and requests for admission after representing that they have reviewed the relevant discovery materials in the MDL to determine that such supplemental requests are necessary to address issues unique to their litigation.
7. Every reasonable effort shall be made to depose witnesses common to the MDL and state court lawsuits only once. To that end, there shall be coordination as to time and place of depositions. Parties in any state court lawsuits shall be allotted time to conduct additional, non-repetitive examination of a witness so long as that additional examination also meets any conditions imposed in the state court action.

IT IS FURTHER ORDERED that the parties shall by **January 11, 2023**, file a single proposed coordination order with any disagreements as to terms indicated in the single document.

Dated: New York, New York
December 23, 2022


DENISE COTE
United States District Judge